

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiffs,

v.

Case No. 12-2039 (GAG)

**COMMONWEALTH OF PUERTO RICO, et.
al.**

Defendants.

**JOINT MOTION FOR ORDER APPROVING THE PARTIES' AGREEMENT TO
EXTEND TIMEFRAMES FOR CERTAIN ACTIVITIES IN THE COMMONWEALTH'S
ACTION PLANS**

COME NOW, Defendants, the Commonwealth of Puerto Rico, et al., and Plaintiff, the United States of America (collectively, the Parties), jointly through their undersigned attorneys and very respectfully state, and pray as follows:

1. The Parties respectfully move this Court for an order approving the Parties' agreement to extend the timeframe for the Commonwealth to complete 33 activities beyond October 7, 2018, the date that the capacity-building period in this case is set to expire. The new timeframes for these activities are set forth in a Memorandum Requesting Extensions for Incomplete Action Plan Activities signed by Police Commissioner Henry Escalera on August 27, 2018, attached hereto as Exhibit A.

2. In accordance with the Agreement for the Sustainable Reform of the Puerto Rico Police Department (Agreement), Dkt. #60, the Commonwealth filed eleven Action Plans with approximately 568 activities designed to implement and achieve compliance with each

of the Agreement's substantive provisions. Defs.' Mot. Submitting Approved Action Plans, Dkt. #550. The Action Plans included timeframes for completing and implementing each activity, pursuant to Paragraph 235 of the Agreement. These activities were to be completed by the end of the four-year capacity-building period on October 7, 2018.¹

3. The Parties have agreed to extend the timeframe for 33 activities in the Commonwealth's Action Plans, pursuant to Paragraph 239 of the Agreement, which reads as follows:

"239. Should PRPD need to modify any of the timeframes set forth in the Action Plans, PRPD shall explain to the TCA, in writing, why such modification is necessary. For good cause, which may include budgetary or funding limitations, the TCA may extend any timeframe by up to four months. However, the TCA shall not extend the initial timeframe by more than four months without the approval of DOJ. DOJ shall not unreasonably withhold approval. Any modification to an Action Plan, including extensions approved by the TCA and DOJ, shall be filed with the Court for approval. Extensions submitted to the court shall be effective, absent further action from the Court, 30 days after submission to the court. Disputes on approval for extensions may be submitted to the Court for resolution. The Parties agree that should PRPD need to extend the time for completing an Action Plan beyond the time frame originally contemplated in the approved Action Plan for operational or budgetary reasons, such an extension shall be permitted upon agreement of the Parties and the TCA or upon leave of Court."

4. The Parties agreed to extend a majority of the timeframes – 21 of the 33 activities at issue in this Joint Motion – in March 2018 after the Court instructed the Parties and the TCA to "revise existing deadlines and agree to realistic ones," as part of its Order Regarding Aftermath of Hurricane Maria. Order at 2, Dkt. #624 (Oct. 4, 2017). The Parties requested that the Court hold its consideration of these extensions until the Commonwealth determined whether additional extensions were necessary. Supp'l. Jt. Mot. Informing the Court of

¹ The capacity-building period was scheduled originally to expire on June 7, 2018, four years after the appointment of the Technical Compliance Advisor (TCA). See Agreement ¶237. The TCA agreed to extend the capacity-building period by four months to October 7, 2018, at the Commonwealth's request and with the authority conferred by Paragraph 239 of the Agreement.

Matters Related to the Aftermath of Hurricane Maria at 11, Dkt. #775. Following extensive negotiations, the Parties agreed that the Commonwealth's request for 12 additional extensions are necessary due to funding limitations and operational reasons under Paragraph 239 of the Agreement.

5. The Commonwealth recognizes its obligations and commitment with the Police Reform Agreement and has agreed with the United States to extend the timeframe for only the 33 activities listed in Exhibit A. Once approved by the Court, the TCA shall consider these extensions when assessing the Commonwealth's compliance with the Agreement under Paragraph 242 after the end of the capacity-building on October 7, 2018. The Parties do not anticipate that extending the timeframe for the 33 activities at issue in this Joint Motion will alter their original estimate of achieving full and effective compliance with the Agreement within ten years, as set forth in Paragraph 300.

WHEREFORE, the Parties respectfully request that this Honorable Court take notice of the above stated and approve the Parties' agreement to extend the timeframes of the 33 Action Plan activities listed in Exhibit A, pursuant to Paragraph 239 of the Agreement.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of October, 2018.

FOR PLAINTIFF UNITED STATES OF AMERICA:	FOR DEFENDANT COMMONWEALTH OF PUERTO RICO:
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TIMOTHY D. MYGATT Deputy Chief, Special Litigation Section	WANDYMAR BURGOS VARGAS Deputy in Charge of General Litigation

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NOTIFICATION

On this date, the signatories to this motion have filed it with the Clerk of the Court via the CM/ECF that shall relay it to all attorneys of record.